IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 14102 of 2007(D)

PETITIONER:

SRI.N.K.ABDUL RAHMAN,
NEDUMUMKUNNATH HOUSE,
POST KARASSERY,CALICUT.

BY ADV. SRI.C.VALSALAN
SRI.GHOSH YOHANNAN
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V
SRI.BIJU J.THADIKKAL

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
KOZHIKODE,CIVIL STATION,
CALICUT.

2. THE DISTRICT SUPPLY OFFIKCER,
KOZHIKODE.

3. THE AREA MANAGER,
FCI DEPOT,
KOZHIKODE.

4. KOZHIKODE CIVIL SUPPLIES LABOUR,
UNION (INTUC),
WEST HILL,
CALICUT REPRESENTED BY SECRETARY.

BY ADV. SRI.V.P.SEEMATHINI(SR.),SC FOR FCI
SMT.S.KARTHIKA
SRI.C.ANIL KUMAR
SMT.A.K.PREETHA
BY GOVT. PLEADER SRI.BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO. 14102 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the order cum proceedings dtd.11.4.2007 by the District Collector.

Ext.P2: Copy of the agreement executed between petitioner and 1st respondent.

Ext.P3: Copy of the proceedings dtd.19.4.2007 by Taluk Supply Officer.

Ext.P4: Copy of the request dtd.19.4.2007.

Ext.P5: Copy of the D.D.handed over to the third respondent.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 14102 OF 2007 - D

Dated this the 18th day of June, 2007

J U D G M E N T

The petitioner is a licensee of an A.W.D. who distributes ration articles to A.R.Ds. The ration articles have to be supplied by the third respondent as directed by respondents 1 and 2. The petitioner's complaint in this writ petition is that because of the obstruction caused by the fourth respondent-Union in the matter of loading the ration articles, the third respondent is not supplying ration articles to the petitioner for distribution.

2. The learned Government Pleader appearing on behalf of respondents 1 and 2 submits that in accordance with the judgment of this Court in W.P(C) No.13293 of 2007, a dispute between fourth respondent an another Union is pending conciliation before the District Labour Officer regarding the entitlement to do loading work at the premises of the third respondent and that is why the matter could not be resolved. The learned counsel for the fourth respondent submits that as stated in their counter

affidavit, they are not obstructing supply of any ration articles to the petitioner by the third respondent.

3. After hearing all parties, I am of opinion that the people of the locality to which the petitioner supplies ration articles cannot be deprived of ration articles simply because of a dispute between two Unions as to who should load the ration articles at the premises of the third respondent.

4. In the above circumstances, I direct that till the dispute regarding entitlement for loading work in the premises of the third respondent is finally resolved, the petitioner should be permitted to load the ration articles in his vehicles employing his own workers. The first respondent, by deploying adequate Police Personnel, should see that such loading of ration articles from the third respondent's premises to the petitioner's vehicle employing the petitioner's own workers shall not be obstructed by anybody. The learned counsel for the third respondent submits that the petitioner has to comply with the formalities for lifting the ration articles,

such as production of D.D.etc before the ration articles can be supplied to the petitioner. It goes without saying that the third respondent need supply the ration articles only after the petitioner complies with the legal formalities.

The writ petition is disposed of with the above direction.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007